

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

EDDY MA,

Plaintiff,

v.

SUN HING FOODS, INC.,

Defendant.

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CIVIL ACTION NO. 4:17-cv-157

JURY

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff EDDY MA files his Plaintiff's Original Complaint against Defendant SUN HING FOODS, INC. In support thereof, Plaintiff states as follows:

**NATURE OF THE SUIT**

1. This is a suit under the Age Discrimination in Employment Act (ADEA) 29 U.S.C. §621, et. seq. Plaintiff Eddy Ma, an individual over the age of forty (40) years, was terminated from his employment with Defendant Sun Hing Foods, Inc. because he was "too old" at age sixty-five (65), according to the Defendant. Plaintiff seeks damages under the ADEA including back pay, front pay, liquidated damages, attorney's fees and costs, and all other remedies available at law and in equity.

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, and 1343. This suit is authorized and instituted pursuant to section 7(b) of the ADEA which incorporates by reference Sections 16 and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended. *See* 29 U.S.C. § 626(b)-(c); 29 U.S.C. §216(b) and 217. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States

District Court for the Southern District of Texas, Houston Division. *See* 28 U.S.C. § 1391(b)(2)-(3).

## PARTIES

3. Plaintiff Eddy Ma (“Ma”) is a natural person and citizen of the State of Texas. Ma resides in Harris County, Texas and worked within Harris County, Texas while employed by Defendant.

4. Defendant Sun Hing Foods, Inc. (“Sun Hing”) is a California corporation with its principal office located in South San Francisco, California. Sun Hing operates business locations throughout the United States and Canada. At all times relevant to the claims made herein, Sun Hing operated a business location (the distribution center, see below) in Houston, Harris County, Texas. Plaintiff Ma worked in Houston, Harris County, Texas.



### **FACTUAL BACKGROUND**

5. Eddy Ma worked for Sun Hing for nearly twenty-five (25) years. At first, as a contractor and since 1999, as an employee. Ma worked in sales and other positions at Sun Hing. Ma's principal work location was in Houston, Harris County, Texas.

6. Ma enjoyed an exemplary employment record with all positive performance reviews. In January of 2016, Ma received a performance review stating that he "always" and "consistently" exceeds job requirements. Also in early 2016, Ma received a raise to \$8,204 per month plus bonuses and expense reimbursements.

7. In 2016, Virginia Teng was appointed the new CEO of Sun Hing. Teng stated that she wanted to restructure the company by firing the older employees. Teng specifically stated that she would terminate employees over age sixty-five (65). Teng is an agent and or employee of Sun Hing. Where applicable, *respondeat superior* applies.

8. Plaintiff Ma's employment was terminated on October 11, 2016.

9. Around the same time Ma was terminated, two other employees of Sun Hing, both age sixty-five (65) or older, were also terminated.

10. Ma was terminated solely because of his age in violation of the ADEA. Sun Hing's violation, whether through its agents, officers, and/or employees, was willful because Sun Hing knew or showed reckless disregard for the matter of whether its conduct was prohibited.

11. Ma suffered damages in the form of economic loss (loss of pay and benefits), mental anguish, attorney's fees and costs, and other damages.

### **STATEMENT OF CLAIM(S)**

12. Ma brings this suit to recover for violations of the ADEA and, by incorporation, the remedial provisions of Title VII of the Civil Rights Act to recover liquidated damages in

addition to those economic damages suffered. *See* 29 U.S.C. §626(b). All of the factual allegations contained herein are re-incorporated.

13. Ma is an individual over the age of forty (40) years.

14. Sun Hing is an employer as defined in 29 U.S.C. §630.

15. Ma was an employee of Sun Hung as defined in 29 U.S.C. §630.

16. Sun Hing discharged Ma in violation of 29 U.S.C. §623(a)(1).

17. All conditions precedent to filing this complaint have occurred including the passage of sixty (60) days after the filing of a charge of discrimination with the EEOC. *See* 29 U.S.C. §626(d)(1). The charge described in this paragraph was timely filed.

18. Ma now institutes this complaint pursuant to 29 U.S.C. §626(c).

#### **PRAYER FOR RELIEF AND JURY DEMAND**

Plaintiff respectfully requests a trial by jury. For the reasons stated herein, Plaintiff Eddy Ma prays that the Court enter judgment against Defendant Sun Hing Foods and award the following damages and/or equitable relief:

- a. Back Pay;
- b. Front Pay;
- c. All available economic damages;
- d. Liquidated Damages;
- e. Attorney's Fees and Costs of Court;
- f. Pre- and post-judgment interest at the maximum rate permitted by law; and
- g. All other remedies available at law and in equity.

Dated: January 18, 2017

Respectfully submitted,

THE VERDE LAW FIRM, PLLC

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